



Atty. Dkt. No. 073406-103

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.

Title: DEVELOPMENT OF NOVEL
ANTI-MICROBIAL AGENTS
BASED ON BACTERIOPHAGE
GENOMICS

Appl. No.: 09/454,252

Filing Date: 12/02/1999

Examiner: R. Mitra

Art Unit: 1653

Attn: Jerry Pelletier

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| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. | |
| <u>Deborah L. Walker</u> (Printed Name) | |
| <u>Deborah L. Walker</u> (Signature) | |
| October 15, 2002 (Date of Deposit) | |

AMENDMENT

Commissioner for Patents
Box FEE AMENDMENT
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated July 12, 2002, concerning the above-referenced patent application.

Please amend the application as follows:

In the Claims:

In accordance with 37 CFR § 1.121, please substitute for original claim 102, the following amended version of the same claim. The change is shown explicitly in the attached "Marked Up Version of Amended Claim Showing Changes Made."

10/25/2002 DWILLIA1 00000002 500872 09454252
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Atty. Dkt. No. 073406-0403

10/22/02
Attn:
Deborah L. Wykes
10/22/02
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.

Title: DEVELOPMENT OF NOVEL
ANTI-MICROBIAL AGENTS
BASED ON
BACTERIOPHAGE
GENOMICS

Appl. No.: 09/454,252

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Examiner: R. Mitra

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| <u>Deborah L. Wykes</u> (Printed Name) | |
| <u><i>Deborah L. Wykes</i></u> (Signature) | |
| October 15, 2002 (Date of Deposit) | |

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Commissioner for Patents
Box RCE
Washington, D.C. 20231

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Previously submitted:

Please enter and consider the amendment/reply previously filed on ____.

Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.

Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.

Other ____.

b. Enclosed are:

Amendment/Reply.

Affidavit(s)/Declaration(s).

Form PTO-1449 (copies of cited references submitted in parent application 09/407,804).

Other .

Miscellaneous:

Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

| Claims as Amended | Previously Paid For | Extra Claims Present | Rate | Fee Totals |
|------------------------------------------------------|------------------------|----------------------------|---------------------|-----------------|
| RCE Fee 1.17(e) | | | \$740.00 | \$740.00 |
| Total Claims: <u>15</u> | <u>15</u> | <u>0</u> | x \$18.00 = | <u>\$0.00</u> |
| Independents: <u>2</u> | <u>19</u> | <u>0</u> | x \$84.00 = | <u>\$0.00</u> |
| First presentation of any Multiple Dependent Claims: | | | + \$280.00 = | <u>\$0.00</u> |
| | | | CLAIMS FEE TOTAL: = | <u>\$740.00</u> |

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | | |
|-------------------------------------|-----------------------------------------------------------|---------------------------------|----------|
| <input type="checkbox"/> | Extension for response filed within the first month: | \$110.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$400.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$920.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,440.00 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$1,960.00 | \$0.00 |
| | | EXTENSION FEE TOTAL: | \$0.00 |
| | | CLAIMS AND EXTENSION FEE TOTAL: | \$740.00 |
| <input checked="" type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | \$370.00 |
| <input type="checkbox"/> | Suspension of action requested under 37 C.F.R. § 1.103(c) | | \$0.00 |
| | | TOTAL FEE: | \$370.00 |

A check in the amount of \$370.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 14 October 2002

By Wesley B. Ames

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6714
Facsimile: (858) 792-6773

Wesley B. Ames
Attorney for Applicant
Registration No. 40,893